

**UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA
Plaintiff

v.

Case Number 4:97cr3007-001

USM Number 15013-047

JESUS MARMOLEJO
Defendant

Michael J. Hansen
Defendant's Attorney

**JUDGMENT IN A CRIMINAL CASE
(For Revocation of Probation or Supervised Release)**

THE DEFENDANT admitted guilt to violation of Standard Condition 8 and Special Condition 2.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Date Violation Concluded</u>
1. (Standard Condition 8)	The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to any controlled substances, except as prescribed by a physician.	December 22, 2005
2. (Special Condition 2)	The defendant shall submit to a drug test within fifteen (15) days of release on supervised release and at least two (2) periodic drug tests thereafter to determine whether the defendant is using a controlled substance. Further, the defendant shall submit to such testing as requested by any United States Probation Officer to detect the presence of alcohol or controlled substances in the defendant's body fluids and to determine whether the defendant has used any of those substances. The defendant shall pay for the collection of urine samples to be tested for the presence of alcohol and/or controlled substances.	October 3, 2005

Original Offense: Bank Robbery in violation of 18 USC 2113 and Use of Firearm During Crime of Violence in violation of 18 USC 924(c)(1).

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

On motion of the government, allegation 3 of the report on offender under supervision is dismissed.

Following the imposition of sentence, the Court advised the defendant of his right to appeal pursuant to the provisions of Fed. R. Crim. P. 32 and the provisions of 18 U.S.C. § 3742 (a) and that such Notice of Appeal must be filed with the Clerk of this Court within ten (10) days of this date.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence:
March 27, 2006

s/ Richard G. Kopf
United States District Judge

March 28, 2006

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IMPRISONMENT

It is ordered that defendant's term of supervised release is revoked. The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **four (4) months**.

[x] The Court makes the following recommendation to the Bureau of Prisons:

[x] That the defendant be given credit for time served. The Bureau of Prisons shall calculate the official detention date as starting on 2/1/06.

[x] The defendant is remanded to the custody of the United States Marshal.

ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge receipt of a copy of this judgment this ____ day of _____, 20____.

Signature of Defendant

RETURN

It is hereby acknowledged that the defendant was delivered on the ____ day of _____, 20____ to _____ with a certified copy of this judgment.

United States Warden

By _____

Note: The following certificate must also be completed if the defendant has not signed the Acknowledgment of Receipt, above.

CERTIFICATE

It is hereby certified that a copy of this judgment was served upon the defendant this ____ day of _____, 20____.

UNITED STATES WARDEN

By _____

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **thirty-two (32) months**.

While on supervised release, the defendant shall not commit another Federal, state, or local crime and shall comply with the standard conditions that have been adopted by this court (set forth on the following page.) If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

1. The defendant shall pay a Special Assessment in the amount of \$100.00 per count of conviction, for a total of \$200.00, as set forth in the Criminal Monetary Penalties and Schedule of Payments sections of this judgment.
2. Defendant shall submit to a drug test within fifteen (15) days of release on supervised release and at least two (2) periodic drug tests thereafter to determine whether the defendant is using a controlled substance. Further, the defendant shall submit to such testing as requested by any United States Probation Officer to detect the presence of alcohol or controlled substances in the defendant's body fluids and to determine whether the defendant has used any of those substances. The defendant shall pay for the collection of urine samples to be tested for the presence of alcohol and/or controlled substances.
3. Paragraph #8 of the Standard Conditions of Supervision is modified. Instead of merely refraining from excessive use of alcohol, the defendant shall not purchase or possess, use, distribute, or administer any alcohol, just the same as any other narcotic or controlled substance.
4. Defendant shall be subject to search of the defendant's premises, vehicle or person, day or night, with or without a warrant, at the request of the United States Probation Officer to determine the presence of alcohol and/or controlled substances, firearms, or any other contraband. Any such items found may be seized by the United States Probation Officer. This condition may be invoked with or without the cooperation of law enforcement officers.
5. Defendant shall attend, pay for and successfully complete any diagnostic evaluation, treatment or counseling program, or approved support groups (e.g., AA/NA) for alcohol and/or controlled substance abuse, as directed by the United States Probation Officer.

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6. Defendant shall pay restitution in the amount of \$28,650.00 as set forth in the Criminal Monetary Penalties and Schedule of Payments sections of this judgment. The defendant shall be responsible for providing proof of payment to the United States Probation Officer as directed.
7. The defendant shall cooperate in the collection of DNA as directed by the probation officer, pursuant to the Public Law 108-405 (Revised DNA Collection Requirements Under the Justice for All Act of 2004), if such sample was not collected during imprisonment.
8. Defendant shall report either to the United States Probation Office for the District of Nebraska between the hours of 8:00 a.m. and 4:30 p.m., 100 Centennial Mall North, 530 U.S. Courthouse, Lincoln, Nebraska, phone (402) 437-5223, within seventy-two (72) hours of release from confinement.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation or supervised release pursuant to this Judgment:

1. The defendant shall not commit another Federal, state or local crime.
2. The defendant shall not leave the judicial district without the permission of the court or probation officer.
3. The defendant shall report to the probation officer as directed by the court or the probation officer and shall submit a truthful and complete written report within the first five days of each month.
4. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
5. The defendant shall support his or her dependents and meet other family responsibilities.
6. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.

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7. The defendant shall notify the probation officer prior to any change in residence or employment.
8. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
9. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
10. The defendant shall not associate with any person engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
11. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
12. The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
13. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
14. As directed by the probation officer, the defendant shall notify third parties of the risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirements.
15. The defendant shall not own, possess, or control any firearms or ammunition, destructive devices, or dangerous weapons.
16. The defendant shall pay any fine or restitution obligation imposed by this judgment that remains unpaid at the commencement of the term of probation or supervised release in accordance with the Schedule of Payments set forth in the Financial Penalties sheet of this judgment.

These conditions are in addition to any other conditions imposed by this Judgment.

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CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth below.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$200.00(PAID)		\$28,650.00 (Balance of \$14,874.05 remains)

(X) The court determined that the defendant does not have the ability to pay interest and it is ordered that:

- (x) The interest requirement is waived.
- () The interest requirement is modified as follows:

RESTITUTION

(X) The defendant shall make restitution to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below.

<u>Name of Payee</u>	<u>**Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Payment</u>
Kansas Banker's Surety Company	\$23,270.00	\$23,270.00	
Farmers State Bank	\$ 5,000.00	\$ 5,000.00	
Jorge Mora Sanchez	\$ 380.00	\$ 380.00	
<u>Totals</u>	\$28,650.00	\$28,650.00	

**Findings for the total amount of losses are required under Chapters 109A, 110, 110A and 113A of Title 18 for Offenses committed on or after September 13, 1994.

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SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A ☒ **in full immediately;** or
B ☐ \$_____ immediately, balance due (in accordance with C. D., or E); or
C ☐ not later than _____; or
D ☐ in installments to commence _____ day(s) after the date of this judgment. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. probation officer shall pursue collection of the amount due, and shall request the court to establish a payment schedule if appropriate; or
E ☐ in _____ (e.g. equal, weekly, monthly, quarterly) installments of \$_____ over a period of _____ year(s) to commence _____ day(s) after the date of this judgment.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

All financial penalty payments are to be made to the Clerk of the U. S. District Court, 593 Federal Building, 100 Centennial Mall North, Lincoln, NE 68501-3468.

Special instructions regarding the payment of criminal monetary penalties:
The restitution obligation is jointly and severally with defendant Erick J. Varela, in 4:97CR3008.

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment.

CLERK'S OFFICE USE ONLY:

ECF DOCUMENT

I hereby attest and certify this is a printed copy of a document which was electronically filed with the United States District Court for the District of Nebraska.

Date Filed: _____

DENISE M. LUCKS, CLERK

By _____ Deputy Clerk